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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,135	11/14/2005	Edith Kirchner	14219-086USP2002, 0890 US	4966
26161 7590 02/06/2008 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER THOMAS, ERIC W	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/531,135

**Applicant(s)**

KIRCHNER ET AL.

**Examiner**

Eric Thomas

**Art Unit**

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 13-21 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/05, 5/07</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's arguments, see pages 8-9, filed 11/9/07, with respect to the restriction requirement have been fully considered and are persuasive. The restriction requirement of claims 1-21 has been withdrawn.

### ***Information Disclosure Statement***

2. The reference "European Examination Report for corresponding Application 03775063.5" was not considered because said reference is not in the English language and applicant did not provide a statement of relevance.

3. This application is in condition for allowance except for the following formal matters:

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claims 8-11 are objected to because of the following informalities:

Claim 8, lines 2-4, replace, "the first and second electrodes comprises: carbon powder, carbon fabrics, demetallized metal carbides, carbon aerogels, graphitic carbon,

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nanostructured carbon, and PVD and/or CVD carbon" with --the first and second electrodes comprises one selected from the group consisting of carbon powder, carbon fabrics, demetallized metal carbides, carbon aerogels, graphitic carbon, nanostructured carbon, and at least one of PVD and CVD carbon.

Claim 8, line 4, applicant is requested to define "PVD" and "CVD".

Claim 9, lines 2-3, replace "the first and second electrodes comprises a conductive polymer, a conductive ceramic, a metal, and a metal alloy" with --the first and second electrodes comprises one selected from the group consisting of conductive polymer, a conductive ceramic, a metal, and a metal alloy--.

Claim 10, lines 2-3, replace "electrolyte comprises at least one of a gel electrolyte, a polymer electrolyte, and a liquid gel electrolyte" with --electrolyte comprises at least one selected from the group consisting of a gel electrolyte, a polymer electrolyte, and a liquid gel electrolyte--.

Claim 11, line 2, replace "electrolyte comprises a solution comprising organic and/or aqueous solvents" with --electrolyte comprises at least one selected from the group consisting of organic and aqueous solvents--.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

5. Claims 1-7, 13-21 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest (in combination with the other claim limitations) a double layer capacitor wherein the first electrode has a first charge of the first polarity and the second electrode has a second charge of the second polarity, and wherein the maximum values of the first charge and the second charge are substantially equal (claims 1-16); and a method of reducing a difference between maximum charges of a first electrode and a second electrode of a double layer capacitor, the method comprising the step of adjusting the maximum charges so that the maximum charges are close in magnitude (Claims 17-21).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,275,371 – Electrode material for electrochemical capacitor

5,953,204 – Electric double layer capacitor

4,630,176 – Carbon based electrode

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Thomas whose telephone number is 571-272-1985.

The examiner can normally be reached on Monday - Friday 5:30 AM - 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

et

/Eric Thomas/

Primary Examiner, Art Unit 2831